

**5810. Adulteration and misbranding of oil of birch. U. S. \* \* \* v. 8 Packages \* \* \* of \* \* \* Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond.**  
(F & D. No. 8276. I. S. No. 12704-m. S. No. C-694.)

On June 21, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 packages, each containing approximately 53 pounds of an article designated as oil of birch, consigned on May 14, 1917, by J. B. Johnson, Hickory, N. C., remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped and transported from the State of North Carolina into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced as oil of birch.

Adulteration of the article was alleged in the libel for the reason that synthetic methyl salicylate had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure oil of birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Oil Sweet Birch," when, in truth and in fact, it was a product consisting in part of oil of birch and largely of synthetic methyl salicylate.

On October 2, 1917, the said J. B. Johnson, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, after having been relabeled under the supervision of this department, should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,400, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*